STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7731

Petition of Vermont Electric Power Company, Inc. and Vermont Transco LLC (collectively, "VELCO"), for a certificate of public good, pursuant to 30 V.S.A. § 248, authorizing the construction of the "Georgia Substation Project," consisting of the rebuilding of VELCO's current switching station located in the Town of Georgia, Vermont	)	Hearing at Montpelier, Vermont August 30, 2011

Order entered: 10/18/2011

HEARING OFFICER: Bridgette L. Remington, Esq.

APPEARANCES: Leslie A. Cadwell, Esq., Gravel and Shea PC
S. Mark Sciarrotta, Esq.
for Vermont Electric Power Company, Inc. and Vermont Transco LLC

John Beling, Esq.
for Vermont Department of Public Service

Donald J. Einhorn, Esq.
for Vermont Agency of Natural Resources

Diane E. Zamos, Esq.
for Vermont Agency of Agriculture, Food and Markets

I. INTRODUCTION

This case involves a petition filed by Vermont Electric Power Company, Inc. and Vermont Transco LLC (collectively, "VELCO"), requesting a certificate of public good ("CPG") under 30 V.S.A. § 248 for the construction of the "Georgia Substation Project," consisting of the rebuilding of VELCO's current switching station located in the Town of Georgia, Vermont ("Project"). In this proposal for decision, I recommend that the Vermont Public Service Board ("Board") approve the petition.

II. PROCEDURAL HISTORY

On April 7, 2011, VELCO filed a petition with the Board requesting a CPG under 30 V.S.A. § 248 to rebuild VELCO's current switching station located in the Town of Georgia, Vermont.

On April 7, 2011, VELCO also filed a Motion for Confidential Treatment of certain exhibits that it alleges constitute Critical Energy Infrastructure Information ("CEII").[1]

On May 6, 2011, I held a prehearing conference in this Docket. Appearances were entered by: Leslie A. Cadwell, Esq., Gravel and Shea PC, and S. Mark Sciarrotta, Esq., on behalf of VELCO; John Beling, Esq., on behalf of the Vermont Department of Public Service ("DPS"); and Donald J. Einhorn, Esq., on behalf of the Vermont Agency of Natural Resources ("ANR"). Also present was Diane Zamos, Esq., on behalf of the Vermont Agency of Agriculture, Food & Markets ("AAFM").

On May 11, 2011, I issued a *Prehearing Conference Memorandum and Scheduling Order*. As noted in that Order, during the prehearing conference, VELCO indicated that it would file additional information related to its CEII filing and its plan for decommissioning existing structures.

Following notice, a site visit and a public hearing were held on May 24, 2011. No members of the public attended the public hearing and no members of the public filed written comments.

On May 31, 2011, AAFM filed a motion to intervene in this Docket. On June 3, 2011, VELCO moved for more time to respond to AAFM's request for intervenor status. The Motion for Additional Time was subsequently granted. On June 10, 2011, VELCO filed *VELCO's*

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1. The Federal Energy Regulatory Commission ("FERC") defines CEII as:

> Specific engineering, vulnerability, or detailed design information about proposed or existing critical infrastructure that: (i) relates details about the production, generation, transportation, transmission, or distribution of energy; (ii) could be useful to a person in planning an attack on critical infrastructure; (iii) is exempt from mandatory disclosure under the Freedom of Information Act, 5 U.S.C. § 552; and (iv) does not simply give the general location of the critical infrastructure.

18 C.F.R. § 388.113(c)(1)

Opposition to AAFM's Motion to Intervene via email. On the same day, AAFM filed a letter withdrawing its motion to intervene.

On June 6, 2011, VELCO filed a *Revised Motion for Protective Order* for confidential treatment of the exhibits already filed under seal that it alleges constitute CEII.

On June 14, 2011, I issued a memorandum explaining that since AAFM withdrew its motion to intervene, there was no need to rule on AAFM's motion or VELCO's opposition.

On June 20, 2011, the parties filed a Protective Agreement with the Board.

On June 29, 2011, VELCO filed supplemental prefiled testimony of Jose Sebastiao. Mr. Sebastiao's testimony was accompanied by Exhibit VELCO-JS-10, which contained *VELCO's Environmental Management Plan for Decommissioning and Reclamation of Electric Facilities*. By letter dated July 29, 2011, ANR filed comments on VELCO's June 29 filing.

On July 8, 2011, I issued two Protective Orders: *Protective Order re CEII* and *Protective Order re Protective Agreement*.

On August 19, 2011, the parties filed a Memorandum of Understanding ("MOU") and a Joint Proposal for Decision ("PFD"). The MOU stated that the Project would promote the general good in accordance with Section 248 and that a certificate of public good should be issued to that effect. The specific provisions of the MOU are described in the findings below.

On August 19, 2011, VELCO also filed testimony from Hantz Présumé adopting the prefiled testimony and exhibits of Christopher Diebold. VELCO represented that Mr. Diebold no longer works for VELCO.

On August 1, 2011, the Department filed a determination that the proposed project is consistent with the *Vermont Electric Plan*, in accordance with 30 V.S.A. § 202(f).

A technical hearing was held on September 27, 2011, at which the prefiled testimony, exhibits and the MOU were entered into the record.

On October 7, 2011, per my request at the technical hearing, VELCO filed its Vermont Construction General Permit 3-9020 from ANR and its Vermont General Permit from the United States Army Corps of Engineers ("ACOE").

No other parties filed comments.

III. FINDINGS

Based on the Petition, the associated prefiled testimony, the MOU, the draft PFD, the proposed CPG, the evidence presented at the technical hearing and the absence of any factual disputes, I have determined that this matter is ready for decision. Based on the substantial evidence of record and the testimony presented at the hearing, I hereby report the following findings to the Board in accordance with 30 V.S.A. § 8.

A. Background and Project Description

1. VELCO is a company as defined by 30 V.S.A. § 201 and is subject to Board jurisdiction pursuant to 30 V.S.A.§ 203. VELCO's office is located at 366 Pinnacle Ridge Road in Rutland, Vermont. The Company owns, operates, and plans for Vermont's high-voltage electric transmission system. Petition at 1.

2. VELCO presently operates the existing Georgia Switching Station, which is a transmission facility that was commissioned in 1972 and interconnects four 115 kV transmission lines with the use of two transmission line circuit breakers in a straight-bus configuration. The four existing lines are the K19 Line (to Essex), the K21 Line (to Sand Bar), the K42 Line (to Highgate), and the "800 Line" (to East Fairfax). All four lines are single-circuit transmission lines with wood H-frame structures, except for a single vertical wood pole structure on the K42 Line just outside the existing switching station. The lines are arranged in a typical one-wire-per-phase arrangement or three phase wires per circuit. The wire types used for the circuits vary and are sized from 1.108 to 1.345 inches in diameter. Each circuit also includes two shield wires for lightning protection. The existing facility is within a fenced enclosure of approximately 150 feet by 200 feet. Barrett pf. at 2; Diebold pf. at 3-4; McNamara pf. at 2-4; exhs. VELCO-JD-6 and VELCO-MB-2; tr. 9/27/11 at 11-12 and 14 (Sebastiao).

3. The existing Georgia Switching Station facility and part of the existing transmission lines, including a total of six transmission pole structures and 2,200 feet of conductor, will be removed following the completion of the proposed Project in accordance with VELCO's *Environmental Management Plan for Decommissioning and Reclamation of Electrical Facilities*

(2011) and the MOU. Sebastiao pf. at 4-5; Sebastiao supp. pf. at 2-3; Barrett pf. at 2; McNamara pf. at 3; exhs. VELCO-JS-10, VELCO-MB-2, VELCO-MB-9 and Joint-1.

4. The Project involves the construction of the new Georgia Substation west of the existing Georgia Switching Station and construction of new transmission lines to connect with the existing transmission lines. The substation construction will include the installation of: (a) seven 115 kV circuit breakers in a ring bus configuration; (b) an aluminum bus structure; (c) a capacitor bank from the existing switching station facility; (d) a control building (approximately thirty-two feet by seventy feet), equipped with sanitary facilities; (e) a wastewater system for the disposal of septic wastes; and (f) an approximately 310-foot by 400-foot fenced enclosure. The current substation design includes the ability to accommodate a future 115 kV to 34.5 kV transformer to interconnect VELCO's 115kV network with Central Vermont Public Service Corporation's ("CVPS") sub-transmission system. Sebastiao pf. at 4-5; Barrett pf. at 2-3; McNamara pf. at 3; Follensbee and Damiano pf. at 12; exhs. VELCO-MB-2-7, VELCO-MB-9, VELCO-WM-2-3, VELCO-JS-8 at Attachment A, VELCO-SD-2 at 5, and VELCO-JS-10.

5. The construction of the new transmission lines to connect the Georgia Substation with the existing transmission lines will include the installation of nine new transmission pole structures and 2,600 feet of conductor. The new lines will be single-circuit transmission lines with wood H-frame structures or single vertical wood pole structures, approximately ten to twenty-feet taller than the existing pole structures to improve shield wire angles and ground clearances. The lines will be arranged with three phase wires per circuit with non-specular conductors sized at 1.345 inches. Each circuit will also include one shield wire above the conductors and a fiber cable below the conductors. The existing transmission lines are located in rights-of-way ("ROWs") with widths ranging from 150 to 250 feet. VELCO does not anticipate expanding these ROWs for the new lines. McNamara pf. at 3-5; exhs. VELCO-WM-2-3.

6. VELCO will clear approximately four to five acres for the Project. Tree clearing will be limited to the new substation site and the area for the new transmission line connections. The tree clearing plan for the Project will comply with VELCO's *Transmission Vegetation Management Plan*. Sebastiao pf. at 15; Disorda pf. at 3-8; exhs. VELCO-JD-2-3; tr. 9/27/11 at 14 (Sebastiao).

7. The Project will be accessed using the existing gravel access road off Sand Hill Road; the access road will be graded, improved, and extended. Access to the transmission line structures may require the construction of roads within the existing ROWs, which will be completed in compliance with all applicable state and federal regulations and permit authorizations. Exhs. VELCO-JD-3, VELCO-SD-2 at 3; and VELCO-MB-9; tr. 9/27/11 at 26 (Sebastiao).

8. VELCO estimates that construction will take approximately ten to twelve months and expects to complete the Project by November 2012. Sebastiao pf. at 4; exh. VELCO-JS-3; tr. 9/27/11 at 37 (Sebastiao).

9. VELCO estimates the Project will cost approximately $16.6 million. Sebastiao pf. at 8; exh. VELCO-JS-2.

10. The MOU states that the parties agree that the Board should issue a CPG for the proposed Project provided that all of the terms of the MOU are met. The MOU contains the following provisions:

> Section 2. VELCO agrees to comply with the conditions contained in all state and federal permits received in connection with the Georgia Substation Project, including permits issued by the ANR and the [ACOE]. VELCO further agrees that the Stormwater Discharge Permit was intended to and does apply to the work VELCO will undertake to decommission the existing Georgia substation, and VELCO agrees to comply with its requirements in the decommissioning process. Dust controls used during Project activities will comply with the Stormwater Discharge Permit and the VT Standards and Specifications for Erosion Prevention and Sediment Control dated 2006 as amended in 2008.
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> Section 3. VELCO agrees that concrete samples from the existing Georgia substation will be taken for testing, which at a minimum will include Total Petroleum Hydrocarbons–Diesel Range Organics ("TPH-DRO") and Poly-Chlorinated Biphenyl's ("PCBs"), if review of the Company's historical records and a visual survey of the concrete suggest that a past release of hazardous materials has occurred. A visual survey of the existing substation area, including the concrete, will be done at the time decommissioning work begins to ascertain whether testing of the concrete is required.
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> Section 4. VELCO agrees to utilize the VELCO and ANR agreed-upon woody plant and herbaceous plant seed mix blend on all disturbed soils along the upland terrace proximate to the edge of the steep bank which descends to the wetland bordering the Stone Bridge Brook in order to provide cover for wildlife in that location.

Section 5. VELCO agrees that the ground where the existing substation is located will be restored using soils that match the native soil profile to the extent possible. Reclamation soils will consist of on-site soils from the location of the new substation. If VELCO determines that native soils are inadequate for reclamation purposes it will purchase select backfill for this purpose.

Section 6. The capacitor banks planned for the Project do not require secondary containment systems. VELCO will prepare a spill prevention, control and countermeasure plan ("SPCC") for the rebuilt Georgia substation as required by 40 C.F.R. Part 112. The SPCC plan will include routine inspections of the capacitor banks (and other equipment, if required) and spill response procedures.

Section 7. The population of Fernald's Sedge identified in the project area will be flagged and avoided. If avoidance is not feasible, VELCO will develop a mitigation plan in consultation with ANR. The mitigation plan may include, as appropriate, provisions for: collection and planting of seeds; relocation of impacted plants; and care and maintenance of relocated plants.[2]

B. Review of the Project under the Section 248 Criteria

Orderly Development of the Region

[30 V.S.A. § 248(b)(1)]

11. The Project will not unduly interfere with the orderly development of the region, with due consideration having been given to the recommendations of the municipal and regional planning commissions, the recommendations of municipal legislative bodies, and the land conservation measures contained in the plan of the affected municipality. This finding is supported by findings 12 through 14, below, and also by the findings under 30 V.S.A. § 248(b)(2)-(5).

12. The Georgia Town Plan recognizes the importance of reliable, inexpensive energy and also states that "[g]eneration, transmission and distribution lines or corridors should avoid adverse impacts on significant wetlands, plant and animal habitat, and recognized historic, natural or cultural resources." Sebastiao pf. at 13; exh. VELCO-JS-4 at 52-53.

13. The Northwest Vermont Regional Plan states that power lines should be designed to avoid dividing land uses and contiguous forest parcels and to minimize visual impacts of utility

2. Exh. Joint-1.

corridors by using geographic features and avoiding placement of facilities on ridge lines and hilltops. Sebastiao pf. at 14; exh. VELCO-JS-5 at Section 6.22.

14. The Project is consistent with the Georgia Town Plan and the Northwest Vermont Regional Plan. The Project will improve the local and regional reliability needs. VELCO sited and designed the Project with the concerns of the Town and Regional Plans in mind by minimizing impacts to the natural environment. The new site is located adjacent to existing transmission infrastructure. VELCO will use existing vegetation for viewshed screening. The tree clearing necessitated by the Project will take place in an area with evidence of past clearing and logging activities. Sebastiao pf. at 13-15; exh. VELCO-SD-2. *See also* findings under 30 V.S.A. § 248(b)(2)-(5).

Need for Present and Future Demand for Service

[30 V.S.A. § 248(b)(2)]

15. The Project meets the need for present and future demand for service which could not otherwise be provided in a more cost-effective manner through energy conservation programs and measures and energy efficiency and load management measures. This finding is supported by findings 16 through 21, below.

16. The existing Georgia Switching Station interconnects four transmission lines with the use of two transmission line circuit breakers in a straight-bus configuration. One line connects to an energy resource; a second line connects to a significant commercial load; a third line serves as a tie to an adjacent utility; and a fourth line connects to the sub-transmission and distribution systems serving Chittenden, Franklin, Lamoille, and Orleans counties. Diebold pf. at 3-4; Présumé pf. at 2.

17. A load-flow analysis was completed to assess the existing system's performance in accordance with the planning standards of the North American Electric Reliability Corporation, the Northeast Power Coordinating Council, and the Independent System Operator of New England ("ISO-NE"). Diebold pf. at 5; Présumé pf. at 2.

18. The existing facility's straight-bus configuration does not meet current reliability practices, and reliability concerns occur at load levels below the current peak level. With the

existing configuration, breaker failures or bus fault contingencies cause losses on branches of the load-serving sub-transmission system with adverse impacts on reliability and operability. In addition, the closest three transformers and associated equipment are not considered strong because of their remoteness from the local load center. Diebold pf. at 4 and 7; Présumé pf. at 2; exh. VELCO-CD-2 at 3.

19. ISO-NE and VELCO determined that the Project's proposed six-breaker bus ring solution will address the reliability deficiencies associated with the straight-bus configuration and protect against future potential losses. The proposed Project was included in both VELCO's 2006 and 2009 Vermont Long Range Plans ("LRP"). Diebold pf. at 5; Présumé pf. at 2.

20. Alternative transmission solutions were considered, but the proposed Project performed better and resolved the reliability deficiencies at a lower cost than the alternatives. Diebold pf. at 6; Présumé pf. at 2.

21. Non-transmission alternatives ("NTAs") were studied and discussed with the Vermont System Planning Committee ("VSPC"). The VSPC determined that energy efficiency would not adequately address the reliability concerns and that the cost of the Project, with or without Pool Transmission Facilities ("PTF") cost recovery, would be significantly lower than any of the NTA scenarios that produced comparable reliability. Dielbold pf. at 6-7; Présumé pf. at 2; exh. VELCO-CD-6 at 1-3.

System Stability and Reliability

[30 V.S.A. § 248(b)(3)]

22. The Project will not have an adverse impact on system stability or reliability. This finding is supported by findings 23 and 24, below.

23. The Project will not have an adverse impact on the transmission system. Instead, the Project will improve system reliability by maintaining the system voltage at acceptable levels as required by Federal and Regional reliability standards. Diebold pf. at 8; Présumé pf. at 2.

24. ISO-NE found no significant adverse impacts would result from VELCO's proposal to rebuild the existing straight-bus Georgia Switching Station as a new six-breaker ring substation connecting four 115 kV lines, one 25 MVAR capacitor bank, and a future 115kV or 34.5 kV step down transformer. Diebold pf. at 8; Présumé pf. at 2; exh. VELCO-CD-5.

Economic Benefit to the State

[30 V.S.A. § 248(b)(4)]

25. The Project will result in an economic benefit to the state and its residents. This finding is supported by findings 26 through 30, below.

26. The Project will result in an economic benefit to the state and its residents because it is a least-cost alternative that will resolve pressing reliability concerns by avoiding costs and safety problems associated with power outages in Chittenden, Franklin, Grand Isle and Lamoille Counties. The Project will also support anticipated economic growth in the service area. Sebastiao pf. at 15.

27. VELCO will use multiple local contractors to complete the Project's construction, which will last approximately ten to twelve months. Tr. 9/27/11 at 12 and 37 (Sebastiao).

28. The Project will increase property tax revenue for the Town of Georgia based on the capital investment required for the substation upgrade. Sebastiao pf. at 15.

29. The total estimated cost of the Project is approximately $16.6 million. Sebastiao pf. at 8; exh. VELCO-JS-2.

30. VELCO estimates that 100% of the Project costs are eligible for PTF cost recovery. If such cost recovery is approved by ISO-NE, Vermont will be responsible for approximately 4.1% of the total Project costs. Sebastiao pf. at 9.

Aesthetics, Historic Sites, Air and Water Purity,
The Natural Environment and Public Health and Safety

[30 V.S.A. § 248(b)(5)]

31. The Project as proposed will not have an undue adverse effect on aesthetics, historic sites, air and water purity, the natural environment and public health and safety. This finding is supported by findings 32 through 91, below, which address the criteria specified in 10 V.S.A. §§ 1424(a)(d) and 6086(a)(1)-(8)(a) and (9)(k).

Outstanding Resource Waters

[10 V.S.A. § 1424(a)(d)]

32. There are no outstanding resource waters located within or in the vicinity of the Project area. Follensbee and Daminao pf. at 10; exh. VELCO-SD-2 at 3.

Water and Air Pollution

[10 V.S.A. § 6086(a)(1)]

33. The Project will not result in undue water or air pollution. This finding is supported by findings 34 through 37, below.

34. The Project will not result in undue water pollution. VELCO will implement its own *Environmental Guidance Manual*, maintain Vermont Water Quality Standards (2008), and comply with its federally-approved and state-approved water-related permits, including its Vermont Construction General Permit 3-9020 (Amended 2008) and site-specific Erosion Prevention Sediment and Control ("EPSC") Plan (together the "Stormwater Discharge Permit"). Follensbee and Damiano pf. at 11; exhs. VELCO-TF-4, VELCO-SD-2 at 16, and Joint-1 at 2 and Section 2; letter of October 7, 2011, from Leslie A. Cadwell, Esq., on behalf of VELCO, to Susan Hudson, Clerk of the Board. *See also* findings 38 through 71, below.

35. The Project will not create undue air pollution. During construction, the Project will temporarily produce air emissions from vehicles and some dust, which will be controlled using measures such as applying water or calcium. Water for dust control will be supplied from an existing well on site. During operation, the facility will not produce any regulated emissions. Follensbee and Damiano pf. at 10 and 13; exhs. VELCO-SD-2 at 3-5 and 14 and Joint-1 at Section 2.

36. The Project's construction will not create undue noise pollution. The Project's construction will last ten to twelve months and be accompanied by general construction noise; however, other than the commissioning and terminating of transmission lines, VELCO will restrict construction activities to the hours between 7:00 A.M. and 5:00 P.M., Monday through Saturday, and will cease construction activities on Sundays and State and Federal Holidays. Exh. Board-1; tr. 9/27/11 at 29-33 and 37 (Sebastiao).

37. The Project's operation will not create undue noise pollution. The Project is located in a relatively rural setting approximately 1,000 feet from the nearest residence. Sound monitoring results show that meteorological events, such as high winds, account for the highest measured sound levels at the existing Georgia Switching Station site. The existing facility does not include noise-producing equipment of significance such as transformers and the Project does not include the installation of any new noise-producing equipment of significance. Therefore, the installation of the Project should not require sound propagation modeling. Sebastiao pf. at 16; exh. VELCO-JS-9; tr. 9/27/11 at 15 (Sebastiao).

Headwaters

[10 V.S.A. § 6086(a)(1)(A)]

38. The Project is not located in a headwaters area. Follensbee and Damiano pf. at 11-12; exh. VELCO-SD-2 at 4-5.

Waste Disposal

[10 V.S.A. § 6086(a)(1)(B)]

39. The Project will meet applicable health and Department of Environmental Conservation ("DEC") regulations regarding the disposal of wastes. This finding is supported by findings 40 through 47, below.

40. VELCO will decommission the existing Georgia Switching Station in accordance with its *Environmental Management Plan for Decommissioning and Reclamation of Electrical Facilities (2011)*. VELCO will remove the existing electrical equipment and facilities, including fencing, concrete foundations, grounding wires, and conduit. Scrap metal from the decommissioned facility will be sold for salvage value. All other materials will be disposed of consistent with state regulations and any applicable environmental permit conditions. Sebastiao supp. pf. at 2-3; exh. VELCO-JS-10.

41. VELCO will dispose of all construction-related wastes in accordance with state regulations, including DEC regulations regarding the disposal of wastes. Follensbee and Damiano pf. at 12.

42. Cleared trees will be made available to the former landowners of the site for heating or other personal use. Additional woody debris will be chipped on-site and used for soil stabilization, given to the former landowners of the site, or removed from the site. Follensbee and Damiano pf. at 12; Disorda pf. at 8; exh. VELCO-SD-2 at 5.

43. VELCO will install a state-approved and permitted wastewater system for the disposal of all septic wastes. Follensbee and Damiano pf. at 12; exh. VELCO-SD-2 at 5.

44. The capacitor banks planned for the Project do not require secondary containment systems. VELCO will prepare a spill prevention, control, and countermeasure plan ("SPCC") for the Georgia Substation as required by 40 C.F.R. Part 112. The SPCC plan will include routine inspections of the capacitor banks (and other equipment, if required) and spill response procedures. Exh. Joint-1 at Section 6.

45. VELCO's SPCC Plan will include oil-spill and hazardous-material-spill control and response measures. If any petroleum-based product is released during construction, it will be contained and, if necessary, reported to DEC. Any contaminated soils will be removed from the site and the area will be restored in accordance with VELCO's *Environmental Guidance Manual*. Follensbee and Damiano pf. at 11-12; exh. VELCO-SD-2 at 5.

46. VELCO will take and test soil samples from the decommissioned site for, at a minimum, TPH-DRO and PCBs. VELCO will conduct additional analysis depending on what, if any, contamination is discovered by the soil testing. Sebastiao supp. pf. at 2-3.

47. VELCO will comply with the Stormwater Discharge Permit during the Project's construction and during the decommissioning of the existing facility. Exh. Joint-1 at 2 and Section 2.

Discussion

On July 29, 2011, ANR filed comments regarding VELCO's proposed decommissioning plan. ANR requested that if VELCO's review of historical records or its visual survey indicates any releases of oils or other contaminants at the site, VELCO be required to test the concrete to be removed from the site for TPH-DRO and PCBs.[3] The MOU, at Section 6, includes the following provision:

3. Letter of August 1, 2011, from Donald J. Einhorn, Esq., to Susan Hudson, Clerk of the Board.

> VELCO agrees that concrete samples from the existing Georgia substation will be taken for testing, which at a minimum will include [TPH-DRO] and [PCBs], if review of the company's historical records and a visual survey of the concrete suggest that a past release of hazardous materials has occurred. A visual survey of the existing substation area, including the concrete, will be done at the time decommissioning work begins to ascertain whether testing of the concrete is required.

I recommend that the Board include the provision above as a condition in the CPG and I also recommend that the Board require VELCO to file a report with the Board after VELCO completes its initial review and determines whether testing of the concrete is required. I also recommend that the Board require VELCO to file a report with the Board after it completes its test soil samples. These reports should indicate whether the presence of TPH-DRO or PCBs were detected and, if so, include a plan, subject to Board approval, for additional testing and reporting.

ANR's July 29 comments also requested that removal of the gravel base and reseeding and mulching at the decommissioned substation site be conducted in accordance with a valid Stormwater Discharge Permit.[4] The MOU, at Section 2, included the following provision:

> VELCO further agrees that the Stormwater Discharge Permit was intended to and does apply to the work VELCO will undertake to decommission the existing Georgia substation, and VELCO agrees to comply with its requirements in the decommissioning process.[5]

I recommend that the Board include the statement above as a condition in the CPG.

Water Conservation

[10 V.S.A. § 6086(a)(1)(C)]

48. VELCO considered water conservation in the Project's design by incorporating low-flow plumbing fixtures to limit the amount of water used during operation and construction and for maintaining vegetation associated with site restoration. Follensbee and Damiano pf. at 12-13; exh. VELCO-SD-2 at 5.

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4. Letter of August 1, 2011, from Donald J. Einhorn, Esq., to Susan Hudson, Clerk of the Board.

5. Exh. Joint-1 at Section 2.

Floodways

[10 V.S.A. §§ 6086(a)(1)(D)]

49. The Project will not restrict or divert the flow of flood waters, or endanger the health, safety and welfare of the public or of riparian owners during flooding; and will not significantly increase the peak discharge of the river or stream within or downstream from the area of development or endanger the health, safety, or welfare of the public or riparian owners during flooding. This finding is supported by finding 50, below.

50. The Project will not involve development within any floodways or floodway fringe areas. Follensbee and Damiano pf. at 14; exh. VELCO-SD-2 at 6 and Attachment A.

Streams

[10 V.S.A. §§ 6086(a)(1)(E)]

51. The Project will maintain the natural conditions of the streams in the vicinity of the Project and will not endanger the health, safety, or welfare of the public or adjoining landowners. This finding is supported by findings 52 through 56, below.

52. Five streams were mapped and delineated within the Project area. Three are small intermittent streams and one is a small ephemeral stream, not associated with a wetland. The fifth, the Stone Bridge Brook, is a perennial stream within a Class II wetland area that is a low-gradient feature with noted beaver-dam influence. Follensbee and Damiano pf. at 14-15; exh. VELCO-SD-2 at 7-8 and Attachment B.

53. The Stone Bridge Brook is classified as a fourth-order stream by ANR and is included on the list of Impaired Surface Waters that are scheduled for total maximum daily limit development (Waterbody ID VT05-08) by DEC. However, the section of the stream designated as "impaired" is located more than four miles from the Project area. Follensbee and Damiano pf. at 15; exh. VELCO-SD-2 at 7-8 and Attachment B.

54. The Project was sited to avoid streams and riparian buffers. No clearing, filling or grading will occur within or proximate to the five designated streams, including the Stone Bridge Brook and its associated fifty-foot riparian buffer. Follensbee and Damiano pf. at 15; exh. VELCO-SD-2 at 8-9.

55. During construction, VELCO will minimize any potential impacts on streams by adhering to its state-approved Stormwater Discharge Permit and construction best management practices ("BMPs"), thus minimizing impacts of potential stormwater discharges and erosion. In addition, VELCO will ensure that post-construction site stabilization and restoration prevent potential future soil erosion or sedimentation. Follensbee and Damiano pf. at 15; exh. VELCO-SD-2 at 8-9.

56. VELCO's adherence to its SPCC Plan will reduce the risk of any releases of oil or hazardous materials to the Stone Bridge Brook or the nearby environment. Exh. VELCO-SD-2 at 9.

Shorelines

[10 V.S.A. § 6086(a)(1)(F)]

57. The Project is not located on a shoreline. Follensbee and Damiano pf. at 15; exh. VELCO-SD-2 at 9.

Wetlands

[10 V.S.A. § 6086(a)(1)(G)]

58. The Project will have no undue or adverse impacts on wetlands. This finding is also supported by findings 59 and 62, below.

59. Three Class II and six Class III wetlands were identified within the Project area. Follensbee and Damiano pf. at 15-17; exh. VELCO-SD-2 at 12 and Attachment A at Figure 2 and Attachment B at Table 12-1.

60. The Project was designed to avoid Class II wetland and buffer zone impacts and to minimize impacts on Class III wetlands. As a result, the Project will not impact any Class II wetlands or buffer zones. Follensbee and Damiano pf. at 17; exh. VELCO-SD-2 at 13.

61. The Project requires, and received, a Vermont General Permit from the ACOE for the Project-related work in Class III wetlands. The Project will impact approximately 0.65 acre of three Class III wetlands by filling one wetland area for staging equipment, clearing trees in the existing ROW, and accessing a transmission pole structure. The impacts will be minimal and the work is authorized by the ACOE as a Category 2 activity. Follensbee and Damiano pf. at 17; tr.

9/27/11 at 24 (Sebastiao); exh. Joint-1 at 2; letter of October 7, 2011, from Leslie A. Cadwell, Esq., on behalf of VELCO, to Susan Hudson, Clerk of the Board at Vermont General Permit.

62. VELCO will employ appropriate mitigation and minimization measures for working in wetlands as outlined in VELCO's *Environmental Guidance Manual* as well as the applicable BMPs outlined in the Vermont Wetland Rules at Section 6.22, *BMPs for Installation of New Overhead Utility Lines*. VELCO will minimize the potential impacts from crossing wetlands by accessing and conducting work during frozen or dry conditions or with the use of construction matting. VELCO will also conduct clearing operations in accordance with the *Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont* and adhere to its state-approved Construction General Permit 3-9020. Follensbee and Damiano pf. at 17; exh. VELCO-SD-2 at 13-14; letter of October 7, 2011, from Leslie A. Cadwell, Esq., on behalf of VELCO, to Susan Hudson, Clerk of the Board at Construction General Permit 3-9020.

Sufficiency of Water and Burden on Existing Water Supply
[10 V.S.A. §§ 6086(a)(2) & (a)(3)]

63. The Project will have sufficient water available for its reasonably foreseeable needs and will not cause an unreasonable burden on an existing water supply. This finding is supported by finding 48, above, and findings 64 through 66, below.

64. The Project site includes an existing well. VELCO plans to utilize this existing water supply for the Project's construction and operation. Follensbee and Damiano pf. at 13; exh. VELCO-SD-2 at 5 and 14.

65. If VELCO determines that additional water supplies are necessary for the Project, it will obtain a permit for and install a new well consistent with Vermont's Wastewater System and Potable Water Supply Rules administered by ANR's Wastewater Management Division. Water for the Project will be acquired and used in accordance with applicable state and federal regulations. Follensbee and Damiano pf. at 13; exh. VELCO-SD-2 at 14-15.

66. VELCO anticipates that water use at the site will be minimal based on the infrequent on-site operations and maintenance activities associated with the Project. During construction, VELCO will use water for activities such as dust control, mixing concrete, and site restoration. During operation, the Project will use water for a washroom, a low-flow toilet, an emergency

eye-wash station, and watering vegetation. Follensbee and Damiano pf. at 13; exh. VELCO-SD-2 at 5 and 14-15.

Soil Erosion
[10 V.S.A. § 6086(a)(4)]

67. The Project will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result. This finding is supported by findings 33 and 55, above, and findings 68 through 71, below.

68. The Project area is largely level and comprised of fine sands. Exh. VELCO-SD-2 at 15.

69. The Project will involve approximately five and one-half acres of earth disturbance, including the areas disturbed for the decommissioning of the existing facility. The Project will remove areas of permanent impermeability associated with the existing facility's stone and concrete foundations and create areas of permanent impermeability associated with the installation of the concrete foundations, control building, and road improvements. Follensbee and Damiano pf. at 11; exhs. VELCO-SD-2 at 16 and VELCO-JS-10 at 2; tr. 9/27/11 at 25-26 (Sebastiao).

70. VELCO will minimize the impacts on permeability and hydrology by proactively addressing areas that pose potential erosion hazards; constructing the substation pad with pervious materials; and installing, inspecting, and maintaining erosion-control measures. Follensbee and Damiano pf. at 18; exh. VELCO-SD-2 at 15-16.

71. To address any potential soil erosion impacts during tree clearing, VELCO will comply with its *Transmission Vegetation Management Plan* and, where possible, will cut trees as close as possible to grade, while leaving stumps intact to minimize soil disturbances and promote soil stability. Disorda pf. at 7; exhs. VELCO-JD-2 and SD-2 at 16.

Transportation Systems
[10 V.S.A. § 6086(a)(5)]

72. The Project will not cause unreasonable congestion or unsafe conditions with respect to transportation. This finding is supported by findings 73 through 75, below.

73. The Project will be accessed using the existing gravel access road off Sand Hill Road; the access road will be graded, improved, and extended. Access to the transmission line structures may require the construction of roads within the existing ROWs, which will be completed in compliance with all applicable state and federal regulations and permit authorizations. Exhs. VELCO-JD-3, VELCO-SD-2 at 3; and VELCO-MB-9; tr. 9/27/11 at 26 (Sebastiao).

74. During the ten to twelve months of construction, the Project will temporarily increase traffic in the area by generating worker-vehicle trips and deliveries of construction-related equipment and materials. Tr. 9/27/11 at 37 (Sebastiao).

75. The Project will not result in any long-term traffic impacts. Sebastiao pf. at 4; *see* tr. 9/27/11 at 28 (Sebastiao).

Educational and Municipal Services
[10 V.S.A. § 6086(a)(6) and (7)]

76. The Project will not have any impact on municipal or educational services. Sebastiao pf. at 21.

Aesthetics, Historic Sites
and Rare and Irreplaceable Natural Areas
[10 V.S.A. § 6086(a)(8)]

77. The Project will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas. This finding is supported by findings 78 through 83, below.

78. The Project includes lighting to provide safe access to the substation yard and equipment and to provide lighting for any nighttime switching operations. One light on the control building will be automatically operated by a photovoltaic cell, while the remaining lights will be manually operated when personnel are onsite. Barrett pf. at 3.

79. The Project will not have an adverse aesthetic impact on the surrounding area. The Project has been located to significantly limit views, is lower in elevation than existing vegetation, and will be viewed within the context of existing transmission infrastructure. Disorda pf. at 8; exhs. VELCO-JD-4 and 6.

80. The Project may be visible from two locations, Decker Road and Sand Hill Road. The new facility will be screened from Decker Road by existing vegetative screening along the ROW and will appear similar to the existing views, which include existing transmission facilities. VELCO will retain a vegetative buffer on the backside of the open field to help mitigate potential views from Sand Hill Road. Exh. VELCO-JD-4.

81. The Project will not impact any archeological sites. The initial *Archeological Resource Assessment and Scope of Work (2010)*for the Project area defined 11 archeologically sensitive areas. The *Phase IB Archeological Study (Revised 2011)* of the Project's area of potential effect ("APE") identified one precontact archeological site, located on the north edge of the area adjacent to the Stone Bridge Brook. The Phase IB report states that the site (VT-FR-374) is eligible for listing on the National Register of Historic Places. To avoid impacting the site, VELCO will note the site on construction plans and will avoid and fence the site during construction. The Vermont Division for Historic Preservation concluded that the Project, with the avoidance measures agreed to by VELCO, will not impact any archeological sites. Follensbee and Damiano pf. at 7-8; exh. VELCO-TF-2.

82. The Project will not impact any above-ground historic sites. The *Historical Architectural Investigation and Assessment of Effects (Revised 2011)* documented one property previously listed on the State Register of Historic Places and five previously unsurveyed properties within the architectural APE. The Project will not be visible from the previously listed site which, in the report, is recommended for removal from the State Register based on the property's significant alterations. The Project will not have any impact on the previously unsurveyed properties, which were determined not to be eligible for the listing on the State or National Register of Historic Places. Follensbee and Damiano pf. at 8-9; exh. VELCO-TF-3.

83. There are no known rare or irreplaceable areas at the Project site. Follensbee and Damiano pf. at 20.

Discussion

During the technical hearing, VELCO stated that the Project did not include an aesthetic mitigation planting plan and that it would perform a post-construction aesthetic review of the Project area. Based on that review, VELCO stated that, if determined necessary by the aesthetic expert, it would consider installing mitigation screening to address aesthetic concerns to the extent feasible based on the infrastructure installations.[6] Although the aesthetic expert determined that the Project will not have an adverse aesthetic impact on the area, the Project may be visible from Decker and Sand Hill Roads, and VELCO is not installing any aesthetic mitigation. Therefore, to ensure that no adverse aesthetic impacts are created by the installation of the Project, I recommend that the Board include a condition in the CPG stating that the Board may require VELCO to install aesthetic mitigation measures if, after viewing the completed project, the Board finds they are necessary.

Necessary Wildlife Habitat and Endangered Species
[10 V.S.A. § 6086(a)(8)(A)]

84. The Project will not destroy or significantly imperil necessary wildlife habitat or any endangered species. This finding is supported by findings 85 through 89, below.

85. No known necessary wildlife habitats or endangered species exist within the Project area. Follensbee and Damiano pf. at 22.

86. One rare species, the Fernald's Sedge (*Carex merritt-fernaldii*) was observed within the Project's transmission ROW. VELCO will flag and avoid this population. If avoidance is not feasible, VELCO will develop a mitigation plan in consultation with ANR that may include provisions for collection and planting seeds; relocation of impacted plants; and care and maintenance of relocated plants. Follensbee and Damiano pf. at 20; exh. Joint-1 at Section 7.

87. No mapped, potential, or suitable deer wintering habitats or signs of bear scarring or scat were found within the Project area. Further, the Project will not significantly degrade the quality of any potential wildlife habitat. Follensbee and Damiano pf. at 21-22.

6. Tr. 9/27/11 at 18-19 (Sebastiao).

88. VELCO has been consulting with ANR and the National Wild Turkey Federation on a seed mix containing both woody plant species and herbaceous plant species (rather than a straight herbaceous conservation seed mix) to be utilized to provide cover for wildlife along the upland terrace proximate to the edge of the steep bank that descends to the wetland bordering the Stone Bridge Brook. That consultation will be ongoing until ANR and VELCO can finalize the agreed-upon seed mix blend, depending on seed availability. Exh. Joint-1 at 2.

89. VELCO will utilize the VELCO and ANR agreed-upon woody plant and herbaceous plant seed mix blend on all disturbed soils along the upland terrace proximate to the edge of the steep bank that descends to the wetland bordering the Stone Bridge Brook, in order to provide cover for wildlife in that location. Exh. Joint-1 at Section 4.

Development Affecting Public Investments

[10 V.S.A. § 6086(a)(9)(K)]

90. The Project will not unnecessarily or unreasonably endanger the public or quasi-public investments in any governmental public utility facilities, services, or lands, or materially jeopardize or interfere with the function, efficiency, or safety of the public's use or enjoyment of, or access to, such facilities, services, or lands. Sebastiao pf. at 21.

Public Health and Safety

[30 V.S.A. § 248(b)(5)]

91. The Project will not have any undue adverse impacts on public health or safety. VELCO designed the Project to comply with its own Substation Design Standards, which are based on industry standards, including those of the National Electrical Safety Code, Institute of Electrical and Electronic Engineers, American National Standards Institute, and National Electrical Manufacturer's Association. In addition, VELCO will maintain the substation and transmission lines in accordance with safety measures employed at all of its facilities and will install a fence around the substation to protect the public from high-voltage equipment. Barrett pf. at 3-4; Sebastiao pf. at 17.

Least-Cost Integrated Resource Plan
[30 V.S.A. § 248(b)(6)]

92. VELCO does not have an Integrated Resource Plan. However, the Project is consistent with VELCO's 2009 Long Range Plan, which specifically identified the need for the Project to address deficiencies associated with a breaker failure or bus fault at the Georgia Switching Station, and proposed the installation of the Project, which proposes to resolve those issues with the installation of a six-breaker ring substation. Diebold pf. at 5; Présumé pf. at 2.

Compliance with Electric Energy Plan
[30 V.S.A. § 248(b)(7)]

93. The Project complies with the *Vermont Twenty-Year Electric Plan* (the "Plan"). This finding is supported by findings 94 through 97, below.

94. The Plan sets forth several basic objectives that must be satisfied to serve the public interest. When utilities design and implement long-range resource plans, the Plan requires them to strive to meet Vermont's electric energy needs in a manner that is "efficient, adequate, reliable, secure, sustainable, affordable, safe, and environmentally sound, while encouraging the State's economic vitality and maintaining consistency with other state policies." Sebastiao pf. at 18-19.

95. The Plan highlights the need for a reliable transmission system and notes that modern society "has come to depend on reliable electricity as an essential resource for national security, health and welfare, communications, finance, transportation, food and water supply, heating, cooling, lighting, computers and electronics, commercial enterprise, and even entertainment and leisure." Sebastiao pf. at 19.

96. The Project will allow VELCO to meet the need for present and forecasted demand for efficient, adequate, affordable, reliable, and safe electricity between Highgate, East Fairfax, Sandbar, and Essex, by providing redundancy on the lines. The Project will also minimize environmental impacts and is the least-cost option to address the identified reliability deficiencies. Sebastiao pf. at 19-20.

97. On August 1, 2011, the Department filed a letter stating that the Project is consistent with the *Vermont Twenty-Year Electric Plan*, pursuant to 30 V.S.A. § 202(f). Letter of August 1, 2011, from John Beling, Esq., to Susan Hudson, Clerk of the Board.

Outstanding Resource Waters

[30 V.S.A. § 248(b)(8)]

98. There are no outstanding resource waters in the Project area. Follensbee and Damiano pf. at 10; exh. VELCO-SD-2 at 3.

Waste-to-Energy Facility

[30 V.S.A. § 248(b)(9)

99. The Project does not involve a waste-to-energy facility.

Existing or Planned Transmission Facilities

[30 V.S.A. § 248(b)(10)]

100. The Project can be served economically by existing transmission facilities without undue adverse impacts on Vermont utilities and customers. Diebold pf. at 9; Présumé pf. at 2. This finding is also supported by findings 101 through 103, below.

101. The Project will interconnect with the existing transmission lines providing improved reliability and operational flexibility. Diebold pf. at 9; Présumé pf. at 2.

102. VELCO does not anticipate any customer outages associated with the Project. The Project will involve some line outages to connect the existing transmission lines to the new substation and to be able to take the existing facility out of service. Tr. 9/27/11 at 30-31 (Sebastiao).

103. During construction, VELCO will work with the local distribution utilities regarding the installation and protocols of the Project's installation. After the Project is in-service, VELCO will conduct training- and operations-coordination efforts with the local distribution utilities. Diebold pf. at 9; Présumé pf. at 2; tr. 9/27/11 at 29-30 (Sebastiao).

IV. DISCUSSION

VELCO has provided sufficient evidence to demonstrate that the Project complies with Section 248 criteria. I recommend that the Board approve the proposed project and issue a CPG for construction of the proposed project in accordance with the MOU and with the conditions agreed to by the parties, with the minor modifications and additions discussed above.

On August 19, 2011, VELCO, the Department, and ANR filed an MOU in which all the parties agreed that the Board should issue a CPG. All parties to this proceeding have waived their rights under 3 V.S.A. § 811 to file written comments or present oral argument with respect to this Proposal for Decision ("PFD"), provided that this PFD is substantially in the form as that agreed to by the parties. Therefore, pursuant to 3 V.S.A. § 811, I am not circulating the PFD to the parties for their review or comment.

V. CONCLUSION

Based upon the evidence in the record, I conclude that the Project, with the conditions set forth in the proposed Order and CPG, below:

(a) will not unduly interfere with the orderly development of the region with due consideration having been given to the recommendations of the municipal and regional planning commissions, and the recommendations of the municipal legislative bodies;

(b) will meet the need for present and future demand for service which could not otherwise be provided in a more cost-effective manner through energy conservation programs and measures and energy efficiency and land management measures;

(c) will not adversely affect system stability and reliability;

(d) will result in an economic benefit to the state and its residents;

(e) will not have an undue adverse effect on aesthetics, historic sites, air and water purity, the natural environment and the public health and safety, with due consideration having been given to the criteria specified in 10 V.S.A. § 1424a(d) and §§ 6086(a)(1) through (8) and (9)(K);

(f) is consistent with the principles of least-cost integrated resource planning;

(g) is in compliance with the electric energy plan under 30 V.S.A. § 202;

(h) does not involve a facility affecting or located on any segment of the waters of the State that has been designated as outstanding resource waters by the Water Resources Board;

(I) does not involve a waste-to-energy facility; and

(j) can be served economically by existing or planned transmission facilities without undue adverse effect on Vermont utilities or customers.

I recommend that the Board approve the proposed project and issue a CPG for construction of the proposed project with the conditions set forth in the proposed Order and CPG, below.

Dated at Montpelier, Vermont, this _____ day of _____, 2011.

_____
Bridgette Remington, Esq.
Hearing Officer

VI. ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board of the State of Vermont that:

1. The findings, conclusions, and recommendations of the Hearing Officer are adopted.

2. The proposed construction of the "Georgia Substation Project," consisting of the rebuilding of VELCO's current switching station located in the Town of Georgia, Vermont (the "Project"), will promote the general good of the State of Vermont in accordance with 30 V.S.A. Section 248, and a certificate of public good to that effect shall be issued.

3. Construction, operation, and maintenance of the proposed project shall be in accordance with the plans and evidence as submitted in these proceedings. Any material deviation from these plans must be approved by the Board.

4. Prior to proceeding with construction, Vermont Electric Power Company, Inc. and Vermont Transco LLC (collectively, "VELCO"), shall obtain all necessary permits and approvals. Construction, operation, and maintenance of the proposed project and decommissioning of the existing Georgia Switching Station shall be in accordance with such permits and approvals, and with all other applicable regulations, including those of the Vermont Agency of Natural Resources and the United States Army Corps of Engineers.

5. During the Project's construction and decommissioning of the existing Georgia Switching Station facility, VELCO shall comply with its state-approved Vermont Construction General Permit 3-9020 (Amended 2008) and site-specific Erosion Prevention Sediment and Control ("EPSC") Plan (together the "Stormwater Discharge Permit"), including employing approved dust controls.

6. VELCO shall decommission the existing Georgia Switching Station facility in accordance with VELCO's *Environmental Management Plan for Decommissioning and Reclamation of Electrical Facilities (2011)*.

7. VELCO shall take concrete samples from the existing Georgia substation for testing, which at a minimum will include Total Petroleum Hydrocarbons–Diesel Range Organics ("TPH-DRO") and Poly-Chlorinated Biphenyl's ("PCBs"), if review of the Company's historical

records and a visual survey of the concrete suggest that a past release of hazardous materials has occurred. A visual survey of the existing substation area, including the concrete, shall be done at the time decommissioning work begins to ascertain whether testing of the concrete is required. After VELCO completes its initial review, VELCO shall file a report with the Board that indicates whether TPH-DRO or PCBs were detected and, if so, include a plan, subject to Board approval, for additional testing and reporting.

8. VELCO shall take and test soil samples from the decommissioned site for, at a minimum, TPH-DRO and PCBs, and shall conduct additional analysis depending on what, if any, contamination is discovered by the soil testing. After VELCO completes its initial testing, VELCO shall file a report with the Board that indicates whether TPH-DRO or PCBs were detected and, if so, include a plan, subject to Board approval, for additional testing and reporting.

9. VELCO shall restore the ground where the existing substation is located using soils that match the native soil profile to the extent possible. Reclamation soils shall consist of on-site soils from the location of the new substation and, if VELCO determines that native soils are inadequate for reclamation purposes, it may purchase select backfill for this purpose.

10. VELCO shall utilize the VELCO and ANR agreed-upon woody plant and herbaceous plant seed mix blend on all disturbed soils along the upland terrace proximate to the edge of the steep bank that descends to the wetland bordering the Stone Bridge Brook, in order to provide cover for wildlife in that location.

11. VELCO shall prepare a spill prevention, control and countermeasure plan ("SPCC") for the Georgia Substation as required by 40 C.F.R. Part 112. The SPCC plan shall include routine inspections of the capacitor banks (and other equipment, if required) and spill-response procedures.

12. The population of Fernald's Sedge identified in the project area shall be flagged and avoided. If avoidance is not feasible, VELCO shall develop a mitigation plan in consultation with ANR. The mitigation plan may include, as appropriate, provisions for: collection and planting of seeds; relocation of impacted plants; and care and maintenance of relocated plants.

13. Other than the commissioning and terminating of transmission lines, VELCO shall restrict construction activities to the hours between 7:00 A.M. and 5:00 P.M., Monday through Saturday, and shall cease construction activities on Sundays and State and Federal Holidays.

14. Within 30 days of the completion of the construction of the Project, VELCO shall arrange a site visit with the Board and all parties to review the need for aesthetic mitigation. The Board reserves the authority to require VELCO to install aesthetic mitigation measures based on the site visit.

15. To avoid impacting the one identified precontact archeological site (VT-FR-374), which is eligible for listing on the National Register of Historic Places, VELCO shall note the site on construction plans and avoid and fence the site during construction.

Dated at Montpelier, Vermont, this 18th day of October, 2011.

s/James Volz)
)
) PUBLIC SERVICE
)
s/David C. Coen) BOARD
)
) OF VERMONT
s/John D. Burke)

OFFICE OF THE CLERK

FILED: October 18, 2011

ATTEST: s/Judith C. Whitney
Deputy Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.